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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,170	07/21/2003	Raj Bridgelall	1554/SYMBP152US	6362

		EXAMINER
23623 7590 03/09/2007		ZURITA, JAMES H

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ART UNIT	PAPER NUMBER
3625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/624,170	BRIDGELALL, RAJ
	Examiner	Art Unit
	James H. Zurita	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 December 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-40* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Prosecution History

On <u>21 July 2003,</u> applicant filed the instant application, without claim to priority.

On 7 June 2006, the Examiner issued a restriction requirement.

On 7 July 2006, applicant responded to the restriction requirement, applicant

elected Invention I, claims 1-40, with traverse.

On 15 September 2006, the Examiner rejected claims 1-40 as follows:

claims	35 usc	Reference
1-6, 8-18 22-35, 40	102(e)	VanErlach (US PG-PUB 20040204063).
7	103(a)	VanErlach and Gellman (US PG-PUB 2002/0035536)
19-21	103(a)	VanErlach and Freund (US PG-PUB 20030187787)
36-37	103(a)	VanErlach and Edgett et al. (US PG-PUB 20040034771)
38	103(a)	VanErlach and Grunes et al., US PG-PUB 2002/0113707)
39	103(a)	VanErlach and Hoffberg (US 6791472)

Applicant filed a response on 15 December 2006.

Claim Objections

Applicant argues that he has amended claim 1. However, the claim appears to

be the same:

> 1. (Currently Amended) An m-commerce system, comprising:
>
>   a data input component that receives item data representative of an article of commerce;
>
>   a coordination component that presents the article of commerce to a vendor for bid;
>
>   a ~~location-awareness~~ <u>location awareness</u> component that tracks the location of the data input component; and
>
>   a payment component that facilitates payment of the article of commerce.

The Examiner will treat claim 1 as having no amendment.

Response to Amendment

Applicant's submission of 15 December has been entered. Applicant amended claims 1, 3, 7, 16-19, 27-32 and 39. Applicant cancelled claims 41-111.

Response to Arguments

Objections to the drawings, specifications and claims are withdrawn in view of amendment.

Applicant's arguments filed 15 December 2006 have been fully considered but they are not persuasive.

Applicant argues that VanErlach does not disclose *[...the words of claim 1...]*

The Examiner respectfully disagrees, and notes that VanErlach discloses:

- an m-commerce [mobile communication] system, comprising

- a data input component that receives item data representative Of an article of commerce (see, for example, at least paragraph 0007, Fig. 3, wireless device 1);

- a coordination component that presents the article of commerce to a vendor for bid (see, for example, at least paragraph 0032);

- a location-awareness component that tracks the location of the data input component (see, for example, at least paragraph 0016); and

- a payment component that facilitates payment of the article of commerce (see, for example, at least paragraph 0017).

Applicant relies on arguments concerning claim 1 to rebut other rejections.

These arguments also fail, as noted above for claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-18 22-35 and 40 are rejected under 35 U.S.C. 102(e) as being

anticipated by VanErlach (US PG-PUB 20040204063).

As per claim 1, VanErlach discloses an m-commerce system, comprising

a data input component that receives item data representative Of an article of

commerce (see, for example, at least paragraph 0007, Fig. 3, wireless device 1);

a coordination component that presents the article of commerce to a vendor for

bid (see, for example, at least paragraph 0032);

a location-awareness component that tracks the location of the data input

component (see, for example, at least paragraph 0016); and

a payment component that facilitates payment of the article of commerce (see,

for example, at least paragraph 0017).

As per claim 2, VanErlach discloses that the data input component is a wireless portable terminal (see, for example, at least paragraph 0002).

As per claim 3, VanErlach discloses that the data input component uploads a shopping list to the coordination component, which coordination component seeks the bid for transacting the article of commerce (see, for example, at least paragraph 0013 and Fig. 4).

As per claim 4, VanErlach discloses that the data input component downloads item information from at least one of an appliance and a computer (see, for example, at least paragraph 0028).

As per claim 5, VanErlach discloses that the data input component is in continuous communication with the coordination component (see, for example, at least paragraph 0016).

As per claim 6, VanErlach discloses that the data input component communicates information using a virtual private network (see paragraph 0012; see also Fig. 4, for connection to telcomm service provider).

As per claim 8, VanErlach discloses that the data input component locates the article of commerce via RF backscattering (see, for example, at least paragraph 0012).

As per claim 9, VanErlach discloses that the data input component facilitates receiving the item data by at least one of manual input, a dataform scanning system, an image capture system, an audio input system, a magnetic reading assembly, and an RF transponder reading assembly see, for example, at least paragraph 0007, Fig. 3, wireless device 1).

As per claim 10, VanErlach discloses that the location awareness component includes at least one of a GPS system, a general packet radio services network, and a RTLS architecture (see, for example, at least paragraph 0016)

As per claim 11, VanElrach discloses the coordination component facilitates communication of awareness data to both the data input component and a vendor (see, for example, at least paragraph 0012 and references to retail stores).

As per claim 12, VanErlach discloses that the awareness data communicated to the data input component provides at least one of notification that the vendor is located nearby, and a name and/or an address of the vendor (see, for example, at least paragraph 0030).

As per claim 13, VanErlach discloses that the awareness data communicated to the vendor provides at least one of identification of the user of the data input component and notification that the data input component is located nearby (see, for example, at least paragraph 0015, concerning identifying information about the device or shopper).

As per claim 14, VanErlach discloses that the awareness data facilitates pushing marketing information to the user of the data input component, which marketing information is targeted to the user (see, for example, at least paragraph 0032).

As per claim 15, VanErlach discloses that the coordination component is disposed at least one of remotely on a global communication network and a local backoffice network (see, for example, at least paragraph 0012 and references to the Internet, a global communication network).

As per claim 16, VanErlach discloses that the coordination component coordinates inter-component functions between the data input component (wireless device), the location awareness component (GPS system, for example), and the payment component (see, for example, at least paragraph 0017).

As per claim 17, VanErlach discloses that the secure payment component provides secure communication using at least one of a biometric, radio frequency identitication (RFID) data, and an article-of-commerce dataform (see, for example, at least paragraph 0029).

As per claim 18, VanErlach discloses that the secure payment system distinguishes selection of a first article of commerce from a second article of commerce by processing both RFID data and dataform data of the first article of commerce (see, for example, at least paragraph 0012, since each article of commerce has a RFID or barcode).

As per claim 22, VanErlach discloses that the data input component outputs at least one of a map and location information that indicates the location of the article of commerce in a store (see, for example, at least paragraph 0013).

As per claim 23, VanErlach discloses that the data input component receives via the coordination component, item information associated with the article of commerce (see, for example, at least paragraph 0013).

As per claim 24, VanErlach discloses that the coordination component retrieves item information associated with the article of commerce from a vendor data resource,

and downloads the information to the data input component for presentation to the user

(see, for example, at least paragraph 10015).

As per claim 25, VanErlach discloses that the coordinating component manages

a transaction between a user of the data input component and a vendor selected to

provide the article of commerce (see, for example, at least paragraph 0012, see also

references to purchasing via download or physical shipment, as in paragraph 0028).

As per claim 26, VanErlach discloses that the security component facilitates at

least one of deactivation and activation of an RFID tag associated with the article of

commerce when the data input component reads RFID tag data (see, for example, at

least paragraph 0012).

As per claim 27, VanErlach discloses that the secure payment component

authenticates the data input component to a store network (see, for example, at least

paragraph 0017).

As per claim 28, VanErlach discloses that the location awareness component

tracks the data input component in a wide area network and a local area network (see,

for example, at lest paragraph 0012, for internet, a wide area network; see also at least

paragraph 0016 for local wireless network).

As per claim 29, VanErlach discloses that the secure payment component

utilizes electronic article surveillance (EAS) technology with bi-stable and resettable

EAS data in an RFID tag (paragraph 0012).

As per claim 30, VanErlach discloses that the location awareness component automatically updates a vehicle location tracking system to present a location of the vendor offering the bid (see, for example, at least paragraph 0029).

As per claim 31, VanErlach discloses that the location awareness component automatically updates the data input component with store information of a store as the data input component passes within range of a compatible store communication system (see, for example, at least paragraph 0029).

As per claim 32, VanErlach discloses that the data input component automatically notifies a user that the article of commerce is present in the store (see, for example, at least paragraph 0012).

As per claim 33, VanErlach discloses that the data input component automatically notifies a user of a location of the article of commerce in the store (see, for example, at least paragraph 0013).

As per claim 34, VanErlach discloses that the location awareness component facilitating synchronization of data of the data input component with a second data input component over a wireless personal data network (see references to communications methods with other wireless devices, as in the abstract, for example).

As per claim 35, VanErlach discloses that the coordination component downloads multimedia content related to the article of commerce to the data input component in response to the item data being received (see, for example, at least paragraph 0012).

As per claim 40, VanErlach discloses that the data input component is one of a cellular telephone and a connected person data assistant (see, for example, references to cell phone, as in the abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over VanErlach in view of Gellman (US PG-PUB 2002/0035536).

As per claim 7, VanErlach *does not* specifically disclose that a user of the data input component specifies a price range for a list of the articles of commerce, in response to which the coordination component receives] one or more of the bids to transact the list. This feature is disclosed by Gellman. See, for example, at least paragraph 0036.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine VanErlach and Gellman to disclose that a user of the data input component specifies a price range for a list of the articles of commerce, in response to which the coordination component receives] one or more of the bids to transact the list.

One of ordinary skill in the art at the time the invention was made to would have
been motivated to combine VanErlach and Gellman to disclose that a user of the data
input component specifies a price range for a list of the articles of commerce, in
response to which the coordination component receives] one or more of the bids to
transact the list for the obvious reason that a user can thereby be able to buy all the
items he needs on a weekly basis at the lowest price.

**Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable
over VanErlach in view of Freund (US PG-PUB 20030187787).**

As per claims 19-21, VanErlach does not specifically disclose that the payment
component facilitates secure communication of item data via a secure key cryptographic
engine (claim 19). VanErlach does not specifically disclose that the engine receives as
an input at least one of a manufacturer's key, a retailer's key, a unique item ID, and a
locate command (claim 20). VanErlach does not specifically disclose that the engine
outputs at least one of a product lookup code and a set/reset password (claim 21).

As per claim 19, Freund discloses that the payment component facilitates secure
communication of item data via a secure key cryptographic engine. See, for example,
at least paragraph 0012.

As per claim 20, Freund discloses that the engine receives as an input at least
one of a manufacturer's key, a retailer's key, a unique item ID, and a locate command.
See, for example, at least paragraph 0014.

As per claim 21, Freund discloses that the engine outputs at least one of a product lookup code and a set/reset password. See, for example, at least paragraph 0051.

It would have been obvious for one of ordinary skill at the time the invention was made to combine VanErlach with Freund to disclose that the payment component facilitates secure communication of item data via a secure key cryptographic engine (claim 19), that the engine receives as an input at least one of a manufacturer's key, a retailer's key, a unique item ID, and a locate command (claim 20) and that the engine outputs at least one of a product lookup code and a set/reset password (claim 21).

One of ordinary skill at the time the invention was made would have been motivated to combine VanErlach with Freund to disclose that the payment component facilitates secure communication of item data via a secure key cryptographic engine (claim 19), that the engine receives as an input at least one of a manufacturer's key, a retailer's key, a unique item ID, and a locate command (claim 20) and that the engine outputs at least one of a product lookup code and a set/reset password (claim 21) for the obvious reason that cryptographic methods provide payment assurance to counterparties and permits customers and merchants to do business online with greater comfort.

Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanErlach in view of Edgett et al. (US PG-PUB 20040034771).

VanErlach does not specifically disclose *that* the data input component transmits a unique password to a tag of the article of commerce to facilitate payment for that

article of commerce (claim 36). VanErlach does not specifically disclose *that* the tag is

an RFID tag that compares the unique password with a password of the RFID tag (claim

37). These features are disclosed by Edgett, as in paragraph 0049, for example.

It would have been obvious to one of ordinary skill the art at the time the

invention was made to combine VanErlach and Edgett to disclose *that* the data input

component transmits a unique password to a tag of the article of commerce to facilitate

payment for that article of commerce (claim 36), and to disclose *that* the tag is an RFID

tag that compares the unique password with a password of the RFID tag (claim 37).

One of ordinary skill the art at the time the invention was made would haven

motivated to combine VanErlach and Edgett to disclose *that* the data input component

transmits a unique password to a tag of the article of commerce to facilitate payment for

that article of commerce (claim 36), and to disclose *that* the tag is an RFID tag that

compares the unique password with a password of the RFID tag (claim 37) for the

obvious reason that doing so facilitates returning items by the user to a vendor.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over

VanErlach in view of Grunes et al., US PG-PUB 2002/0113707.

As per claim 38, VanErlach *does not* specifically disclose the tag is at least one

of received programmed with the password and programmed with the password at a

time of source marking. This is disclosed by Grunes, paragraph 0016. It would have

been obvious to one of ordinary skill in the art at the time the invention was made to

combine VanErlach and Grunes to disclose that the tag is at least one of received

programmed with the password and programmed with the password at a time of source

marking.

One of ordinary skill in the art at the time the invention was made would have

been motivated to combine VanErlach and Grunes to disclose that the tag is at least

one of received programmed with the password and programmed with the password at

a time of source marking for the obvious reason that a container can be shown to

contain articles of commerce that have not been tampered with.

**Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over
VanErlach in view of Hoffberg (US 6791472).**

As per claim 39, VanErlach *does not* specifically disclose that the secure

payment system includes a tag communication process that is prioritized according to a

bandwidth provisioning architecture. This is disclosed by Hoffberg, as in Col. 25, line

60-col 27, line 35.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine VanErlach ans Hoffberg to disclose that the secure

payment system includes a tag communication process that is prioritized according to a

bandwidth provisioning architecture.

One of ordinary skill in the art at the time the invention was made would have

been motivated to combine VanErlach and Hoffberg to disclose that the secure payment

system includes a tag communication process that is prioritized according to a

bandwidth provisioning architecture for the obvious reason that users may be impatient shoppers and may drop a request when it is taking too long to get responses.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

   .Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Primary Examiner
Art Unit 3625
5 March 2007

JAMES ZURITA
PRIMARY EXAMINER